IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9451 OF 2007

Shambhu C.Shetty partner of M/s.The Shelter Hotels & Resorts.. Petitioner

Versus

The Tahsildar, Thane & Ors. .. Respondents

Ms.Veena Thadani for petitioner

Ms.V.Mhaispurkar, A.G.P. for respondents

CORAM : S.C.DHARMADHIKARI, J.

DATE : 20th December 2007

P.C.

. The petitioner is aggrieved by the order dated 17th December 2007 passed by the Tahsildar, Thane. Petitioner’s Eating House Licence has

been cancelled so also his Lodging House Licence by the Tahsildar and the Sub-Divisional Magistrate, Thane Division, Thane. The only ground on which the said licences have been cancelled are that the petitioner obtained the land in question for Industrial user/Small scale industry but has put up a hotel thereon and using it for commercial purposes. The Lodging house is being continued for more than two years. In such circumstances, the petitioner deserves to be protected. Respondents are, therefore, restrained from taking any coercive measures and obstructing petitioner's business of Shelter Hotel and Resort from the subject property/land.

2. Petitioner has an alternate remedy, according to Ms.Mhaispurkar and he can approach the Dist.Collector. It is open for the petitioner to avail of such a remedy. If the petitioner moves the Dist.Collector within fifteen days from today, the Dist.Collector to

decide the appeal/application, thereafter and until he renders his decision on the said application/appeal, no coercive measures be initiated against the petitioner in respect of his business. The Dist.Collector to decide the application upon presentation within eight weeks from the date of presentation of the application.

3. The Dist.Collector to decide the said appeal/application on its own merits and in accordance with law, uninfluenced by any observations and/or directions from any higher authority. Petition disposed off. No costs.

(S.C.Dharmadhikari, J)